

JAN 9 2004 10:11AM

MEDTRONIC LAW DEPT

NO. 8787 P. 3/47

#10

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Bozidar Ferek-Petric	Examiner:	Prieto, Beatriz
Serial No.:	09/348,506	Group Art Unit:	2142
Filed:	July 7, 1999	Docket No.:	P-8027.00
Title:	SYSTEM FOR REMOTE COMMUNICATION WITH A MEDICAL DEVICE		

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant has received a Notice of Abandonment dated October 22, 2002, citing Applicant's failure to timely submit a response to the Office Action dated February 27, 2002.

On August 27, 2002, attorney Eric Waldkoetter of our office filed an Amendment & Response Under 37 C.F.R. 1.111 as required, along with a three-month request for extension of time, with a certificate of facsimile transmission under 37 C.F.R. § 1.8. A fax confirmation sheet of the transmission was received on the same day. Applicant then received a Notice of Abandonment dated October 22, 2002. On November 15, 2002, attorney Eric Waldkoetter filed a Petition for Revival of Unintentionally Abandoned Application Under 37 C.F.R. 1.137(b), with a certificate of facsimile transmission under 37 C.F.R. § 1.8. The fax confirmation sheet of the transmission was again received on the same day. The file was then transferred to the undersigned in September of 2003.

09348506
SF0001
132546
Adjustment date: 09/14/2004
01/21/2004 TD0000001 130.00 CR
01 FC:1460


Because the Amendment and Response and the Petition to Revive were filed and receipt of such was evidenced by the fax confirmation sheets, Applicant believed that the correct responsive documents had been filed. However, in a phone call initiated to the Patent and Trademark Office on December 11, 2003 regarding the status of the application, the undersigned discovered that the responsive papers had not been entered in the United States Patent and Trademark Office file. As the documents were in fact submitted to the United States Patent and Trademark Office, Applicant believes the Notice of Abandonment was issued in error. Applicant respectfully request withdrawal of the holding of abandonment and further examination of the above-referenced patent. Copies of the papers filed, the fax confirmation sheets and a copy of the Notice of Abandonment dated October 22, 2002 are attached for the Examiner's review.

If anything further is required, please do not hesitate to contact the undersigned at the number listed below.

It is assumed that the petition fee of \$130.00 is not required in this case. However, if such fee is deemed to be required, it should be charged to the undersigned's Deposit Account No. 13-2546, as well as any deficiencies, and credit any overpayments.

Respectfully submitted,

Date: 01/08/04


Girma Wolde-Michael
Reg. No.: 36,724
Telephone: (763) 514-6402
Customer No. 27581

JAN 9 2004 10:11AM

MEDTRONIC LAW DEPT

NO. 8787 P. 2/47

DOCKET NO.: P-8027.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT TRANSMITTAL

In re Application of: Bozidar Ferek-Petric

For: SYSTEM FOR REMOTE COMMUNICATION WITH A MEDICAL DEVICE

Serial No.: 09/348,506

Filed: July 7, 1999

CERTIFICATE OF MAILING UNDER 37 CFR 1.8: I hereby certify that this PETITION TRANSMITTAL and the paper(s), as described herein, are being sent via facsimile No. (703) 872 9306 to the Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of January, 2004.


Signature

Sue McCoy
Printed Name

Attn: Publications
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


We are transmitting herewith the attached:

- ☒ Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)
- ☒ Copy of previous Petition for Revival of Unintentionally Abandoned Application Under 37 C.F.R. 1.137(b), filed November 15, 2002
- ☒ Copy of Amendment & Response Under 37 C.F.R. 1.111, filed August 27, 2002, with request for three-month extension of time
- ☒ Copy of Notice of Abandonment.

☐ Applicant hereby petitions for a _____ months' extension of time. If an additional extension of time is required, please consider this petition therefor.

☒ Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Petition Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

01/08/04
Date


Girma Wolde-Michael
Reg. No. 36,724
Telephone: (763) 514-6402
Customer No. 27581

JAN: '9. 2004 10:13AM

MEDTRONIC LAW DEPT

NO. 8787 P. 10/47



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20531
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,506	07/07/1999	BOZIDAR PEREK-PETRIC	P-8027	5334

27581 7590 10/22/2002
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MS-LC340
MINNEAPOLIS, MN 55432-5604

EXAMINER

PRIETO, BEATRIZ

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 10/22/2002

11-23-2002 Notice of Abandonment

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

OCT 29 2002

Notice of Abandonment

Application No.

09/348,506

Examiner

B. PRIETO

Applicant(s)

FEREK-PETRIC, BOZIDAR

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 February 2002.
- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due. The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


MARK H. HINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTO-1432 (Rev. 04-01)

10/19/02

Notice of Abandonment

Part of Paper No. 8

PTO/SB/21(108-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/348,506	
	Filing Date	07/07/1999	
	First Named Inventor	Ferek-Petric	
	Group Art Unit	2152	
	Examiner Name	Beatriz Prieto	
Total Number of Pages in This Submission	44	Attorney Docket Number	P-8027.00

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Box Non-Fee Amendment Commissioner for Patents Washington, D.C. 20231 TC2100 Before Final Fax (703) 746-7239	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Medtronic, Inc., USPTO Customer No. 27581 Eric R. Waldkoetter, Reg. No. 36,713
Signature	<i>Eric R. Waldkoetter</i>
Date	27 AUG 02

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____	
Typed or printed name	
Signature	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1360
CONNECTION TEL	00017037467239
SUBADDRESS	
CONNECTION ID	
ST. TIME	27/08 17:21
USAGE T	14'27
PGS.	45
RESULT	OK

Facsimile Cover Sheet



Medtronic
 When Life Depends on Medical Technology

Bakken Research Center
 Endepolsdomein 5
 6228 GW Maastricht
 The Netherlands



27581

To: Examiner Beatriz Prieto
 TC 2100 Before Final
 Fax (703) 746-7239

Subject: Reply to Office Action for:
 Serial No. 09/348,506; Filed 07/07/1999
 Docket No. P-8027.00

From: Eric R. Waldkoetter, Reg. No. 36,713
 Tel 011 (31-43) 356-6845; Fax 011 (31-43) 356-6521
 eric.waldkoetter@medtronic.com

Date: August 27, 2002

Total Pages **46** (including this cover sheet)

Sir or Madam,

Please kindly deliver this facsimile promptly to the Examiner listed above.

Respectfully,

Eric Waldkoetter

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/348,506	
	Filing Date	07/07/1999	
	First Named Inventor	Ferek-Petric	
	Group Art Unit	2152	
	Examiner Name	Beatriz Prieto	
Total Number of Pages in This Submission	44	Attorney Docket Number	P-8027.00

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Box Non-Fee Amendment Commissioner for Patents Washington, D.C. 20231 TC2100 Before Final Fax (703) 746-7239		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Medtronic, Inc., USPTO Customer No. 27581 Eric R. Waldkoetter, Reg. No. 36,713
Signature	<i>Eric R. Waldkoetter</i>
Date	27 AUG 02

CERTIFICATE OF MAILING		
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Typed or printed name	_____	
Signature	_____	Date _____

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1380
CONNECTION TEL	00017037467239
SUBADDRESS	
CONNECTION ID	
ST. TIME	27/08 17:21
USAGE T	14'27
PGS.	45
RESULT	OK

Facsimile Cover Sheet



Medtronic
 When Life Depends on Medical Technology

Bakken Research Center
 Endepolsdomein 5
 6229 GW Maastricht
 The Netherlands



27581

To: Examiner Beatriz Prieto
 TC 2100 Before Final
 Fax (703) 746-7239

Subject: Reply to Office Action for:
 Serial No. 09/348,506; Filed 07/07/1999
 Docket No. P-8027.00

From: Eric R. Waldkoetter, Reg. No. 36,713
 Tel 011 (31-43) 356-6845; Fax 011 (31-43) 356-6521
 eric.waldkoetter@medtronic.com

Date: August 27, 2002

Total Pages 46 (including this cover sheet)

Sir or Madam,

Please kindly deliver this facsimile promptly to the Examiner listed above.

Respectfully,

Eric Waldkoetter

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1421
 CONNECTION TEL 00017033086918
 SUBADDRESS
 CONNECTION ID
 ST. TIME 15/11 10:55
 USAGE T 02'37
 PGS. 8
 RESULT OK

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/348,506
Filing Date	07/07/1999
First Named Inventor	Ferek-Petric
Group Art Unit	2142
Examiner Name	Beatriz Prieto
Attorney Docket Number	P-8027.00

Total Number of Pages in This Submission

8

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
☐ Fee Attached
☐ Amendment / Reply
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☐ Affidavits/declaration(s)
☐ Extension of Time Request
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☐ Information Disclosure Statement
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☐ Drawing(s)
☐ Licensing-related Papers
☒ Petition
☐ Petition to Convert to a Provisional Application
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- ☐ After Allowance Communication to Group
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☐ Other Enclosure(s) (please identify below):

Remarks

Box DAC
 Commissioner for Patents
 Washington, D.C. 20231
 Office of Petitions Fax (703) 308-6916

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
 or
 Individual name

Medtronic, Inc., USPTO Customer No. 27581
 Eric R. Waldkoetter, Reg. No. 36,713

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/348,506	
	Filing Date	07/07/1999	
	First Named Inventor	Ferek-Petric	
	Group Art Unit	2142	
	Examiner Name	Beatriz Prieto	
Total Number of Pages in This Submission	8	Attorney Docket Number	P-8027.00

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Box DAC Commissioner for Patents Washington, D.C. 20231 Office of Petitions Fax (703) 308-6916	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Medtronic, Inc., USPTO Customer No. 27581 Eric R. Waldkoetter, Reg. No. 36,713
Signature	<i>Eric R. Waldkoetter</i> Tel 011 (31-43) 356-6045 Fax 011 (31-43) 356-6521
Date	15 NOV 2002

CERTIFICATE OF MAILING	
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Typed or printed name	_____
Signature	_____
Date	_____

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**Medtronic****RECEIVED
CENTRAL FAX CENTER**

JAN 09 2004

OFFICIAL

Facsimile Cover Sheet

P-8027.00

To: Examiner Prieto**Company: U.S. Patent and Trademark Office****Phone:****Fax: 703 872 9306****From: Girma Wolde-Michael****Company:  Medtronic****Phone: 763 514 6402****Fax: 763 505 2530****Date: January 9, 2004****Pages including this
cover page: 48**

Comments: RE: P-8027.00
Serial No. 09/348,506
Applicants: Bozidar Ferek-Petric
Filed: July 7, 1999
Title: System for Remote Communication With a Medical Device

Attached please find the following documents:

- ☒ Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)
- ☒ Amendment
- ☒ Copy of Notice of Abandonment
- ☒ Transmittal

IF TELECOPY IS ILLEGIBLE OR ALL PAGES HAVE NOT BEEN RECEIVED, PLEASE CONTACT SUE MCCOY AT TELEPHONE (763) 514-8662 IMMEDIATELY.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMITTAL FORM. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ferek-Petric

Serial No. 09/348,506

Filed: 07/07/1999

Confirmation No. 5334

Title: System for remote communication
with a medical device

Docket No. P-8027.00

Examiner: Beatriz Prieto

Art Unit: 2142

Certificate of Mailing or Transmission 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the United States Patent and Trademark Office as indicated below, or being facsimile transmitted to the USPTO, on the date indicated below:

15 Nov 2002 (date).



Eric R. Waldkoetter

Box DAC
Commissioner for Patents
Washington, D.C. 20231

**PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Applicant respectfully petitions for revival of the above-captioned patent application that was unintentionally abandoned according to a Notice Of Abandonment mailed October 22, 2002 (copy attached).

The required reply to the Office action mailed February 27, 2002 was transmitted by facsimile on August 27, 2002 with a petition for a three-month extension of time in which to respond to the outstanding Office action extending the response period to August 27, 2002. A copy of the reply and facsimile transmission confirmation is attached. It is submitted that the reply was timely filed; therefore, the applicant respectfully requests that the petition fee be waived. A fee transmittal for accompanies this petition to charge Deposit Account No. 13-2546 for Medtronic, Inc. the appropriate fee in case the petition fee is not waived.

09/348,506

Art Unit 2142

P-8027.00


The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. In fact, as submitted above, it is believed that the reply was timely filed.

Respectfully submitted,

Date: 15 NOV 2002
Medtronic, Inc.
USPTO Customer No. 27581
710 Medtronic Parkway (MS-LC340)
Minneapolis, MN 55432-5604

Attachments:

- Notice of Abandonment (copy); and,
- Reply transmittal and fax confirmation.


Eric R. Waldkoetter
Attorney Reg. No. 36,713
Located in The Netherlands (ET + 6 hours)
Office Tel 011 (31-43) 356-6845
Cell Tel 011 (31) 6 5155-9936
Office Fax 011 (31-43) 356-6521
eric.waldkoetter@medtronic.com